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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/770,680	01/29/2001	Nils B. Lahr	39564A	5435	
22206 7590 06/23/2004			EXAMINER		
FELLERS SNIDER BLANKENSHIP			ISMAIL, SHAWKI SAIF		
BAILEY & TIPPENS THE KENNEDY BUILDING 321 SOUTH BOSTON SUITE 800			ART UNIT	PAPER NUMBER	
			2155		
TULSA, OK	74103-3318		DATE MAILED: 06/23/2004	10	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Shawki S Ismail 2155 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).	٠, الم				pre				
## Examiner Art Unit 2155 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. ■ Established in the provision of 31° CFR 1.305(b). In receiver, however, may a cept be sirely filled. ■ If the period in may be available under the provisions of 31° CFR 1.305(b). In receiver, however, may a cept be sirely filled. ■ If the period in may be available under the provisions of 31° CFR 1.305(b). In receiver, however, may a cept be stready filled. ■ If the period is may be available under the provisions of 31° CFR 1.305(b). In receiver, however, may a cept be stready filled. ■ If the period is may be available under the provisions of 31° CFR 1.305(b). In receiver, however, may a cept be stready filled. ■ If the period is provided by the Office lates than prese motinis ster in the mailing date of this communication, over if through filled, may reclude this communication. A preserve exception by the Citation ster in the mailing date of this communication, over if through filled, may reclude any secure patient term adjustment. See 37° CFR 1.704(b). ■ Responsive to communication(s) filled on			Application No.	Applicant(s)					
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DETAILED ACTION

1. Claims 1-12 are presented for examination.

The references in IDS, paper No. 3 and 9 have been considered.

Claim Rejections - 35 USC §102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 3. Claim 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Markowitz et al. (Markowitz), U.S. Patent No. 6,484,212.
- 4. As to claim 1, Markowitz teaches a system, adapted for use with a distributed data delivery network, for duplicating data being distributed in the network, comprising:

a data storage (media storage device 116); and

a data distributor (media server 135), adapted to distribute data as streaming data at a first bitrate to at least one data server in the network (col. 3, lines 34-40, the media server 135 streams the version of the media information to the user device),

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while writing said data to said data storage at substantially said first bitrate (col. 3, lines 57-59, versions of the media information is stored at a media storage device.)

- 5. As to claim 2, Markowitz teaches a system as claimed in claim 1, wherein: said data distributor comprises an encoder (col. 3, lines 4-11, media server encodes the media information into multiple versions), adapted to encode said data to create said streaming data at said first bitrate.
- 6. As to claim 3, Markowitz teaches a system as claimed in claim 1, wherein: said data storage includes a disk, and said data distributor is adapted to write said data to said disk at substantially said first bitrate (col. 6, lines 12-17.)
- 7. As to claim 4, Markowitz teaches a system as claimed in claim 1, wherein: said data storage is disposed at a data server in said network (fig. 1, media storage device is disposed at a media server in the network.)
- 8. As to claim 5, Markowitz teaches a system as claimed in claim 1, wherein: said data storage is disposed at one of said at least one data server in said network (fig. 1, media storage device is disposed at a media server in the network.)
- 9. As to claim 6, Markowitz teaches a system as claimed in claim 1, further comprising:

a reader, adapted to read said data stored at said data storage at a read rate substantially equal to said first bitrate (gateway proxy device 115, col. 3, lines 15-27, reads the information in the data storage and streams it to the user device.)

10. As to claim 7, Markowitz teaches a method for duplicating data being distributed in a distributed data delivery network, comprising:

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distributing data as streaming data at a first bitrate to at least one data server in the network (col. 3, lines 34-40, the media server 135 streams the version of the media information to the user device); and

writing said data to a data storage at substantially said first bitrate while performing said distributing step (col. 3, lines 57-59, versions of the media information is stored at a media storage device.)

- 11. As to claim 8, Markowitz teaches a method as claimed in claim 7, wherein: said data distributing step includes encoding said data to create said streaming data at said first bitrate (col. 3, lines 4-11, media server encodes the media information into multiple versions.)
- 12. As to claim 9, Markowitz teaches a method as claimed in claim 7, wherein: said data storage includes a disk; and said data distributing step includes writing said data to said disk at substantially said first bitrate (col. 6, lines 12-17.)
- 13. As to claim 10, Markowitz teaches a method as claimed in claim 7, wherein: said data storage is disposed at a data server in said network (fig. 1, media storage device is disposed at a media server in the network); and

said writing step writes said data to said data storage disposed at said data server (col. 3, lines 57-59, versions of the media information is stored at a media storage device.)

14. As to claim 11, Markowitz teaches a method as claimed in claim 7, wherein: said data storage is disposed at one of said at least one data server in said network (fig. 1, media storage device is disposed at a media server in the network);

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said writing step writes said data to said data storage disposed at said one of said at least one data server (col. 3, lines 57-59, versions of the media information is stored at a media storage device.)

15. As to claim 12, Markowitz teaches a method as claimed in claim 7, further comprising:

reading-said-data stored at said data storage at a read rate substantially equal to said first bitrate (gateway proxy device 115, col. 3, lines 15-27, reads the information in the data storage and streams it to the user device.)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawki S Ismail whose telephone number is 703-605-4362. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached at 703-308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703)308-5403.

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June 21, 2004

HOSAIN ALAM SUPERVISORY PATENT EXAMINER